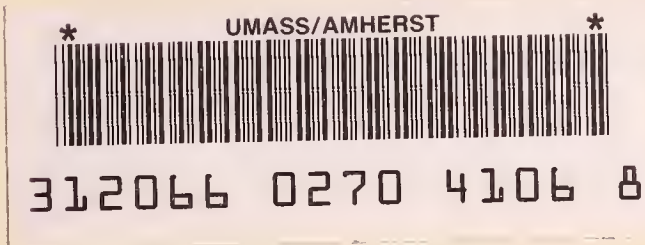


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IMPLEMENTING THE GROWTH POLICY CONSENSUS:
PROPOSALS FOR PUBLIC ACTION

THIRD INTERIM REPORT

General Court

of the

SPECIAL COMMISSION RELATIVE

to the

EFFECTS OF GROWTH PATTERNS

on the

QUALITY OF LIFE

in the

COMMONWEALTH

(under Chapter 98 of
the Resolves of 1973)

June 29, 1978

SUMMARY REPORT

7810/349

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prepared by Charles J. Perry
(Staff Director)

June 29, 1978

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PREFACE

In 1975, the Massachusetts legislature, in response to a report by the Special Commission on the Effects of Growth, enacted the "Massachusetts Growth Policy Development Act." This statute was the first attempt by any state to utilize an innovative statewide citizen involvement process to formulate a comprehensive set of policies to guide the state's future growth and development patterns.

During the past two years, over 5,000 citizens and government officials have participated in this unique policy formulation activity. The process has received the overwhelming endorsement of thousands of people throughout the state, and has been unprecedented in its success in identifying a policy consensus among the diverse communities and regions of the Commonwealth.

The Growth Policy process and the related activities of Massachusetts' communities, the Office of State Planning, and this Commission have received national attention as a significant approach for dealing with important growth and development issues. Patricia Roberts Harris, Secretary of the Department of Housing and Urban Development, quoted in a recent New York Times article, called the Massachusetts growth policy effort "impressive" and said that the Carter Administration is drawing heavily upon the Massachusetts approach in developing its national urban policy.

One element of the Carter Administration's urban policy package is the creation of a \$200 million state incentive grant program to encourage states to develop and implement growth strategies which aid declining cities, control sprawl, protect environmentally sensitive areas, and reform inequitable fiscal structures. No more than fifteen states are likely to qualify for these grants in the first year. HUD has indicated that states which have already initiated activities in this area would be in the strongest position to receive the first grants.

If the Carter state strategy program is enacted, Massachusetts could receive \$30 to \$40 million in increased federal grants over the next two years. The Massachusetts Growth Policy process has greatly enhanced the Commonwealth's prospects of receiving these funds. As Secretary Harris said at a recent Urban Revitalization Conference in Springfield, "It's quite obvious from your actions, that the people of Massachusetts have opted to come to grips with the problems and are prepared to make the difficult choices that must be made if the benefits of continued growth and development are to be enjoyed. ...Massachusetts has been a leader among the 50 states in defining, assembling, and using state tools and federal programs in the important task of urban revitalization."

Secretary Harris also suggested that if the state role in formulating growth strategies blossoms, it could signal a major new approach to national problems. The Special Commission on the Effects of Growth takes great pride in the contribution that Massachusetts communities have made to state and national policies on growth and development. The excellent quality of local participation was the key to the success of the "Growth Policy Development Act."

In the Commission's Third Interim Report, as filed on June 29, 1978, we have outlined our current findings and recommendations in detail. Due to printing delays associated with the end of the legislative session, copies of the full report will not be available for several weeks. The Commission is therefore circulating this special pre-publication summary which highlights our recommendations to be acted upon this session.

The full report covers all of the points outlined in this summary in greater detail. In addition, the report includes chapters devoted to several additional topics, including:

- an outline of the Commission's history and a discussion of the intent of the Growth Policy Development Act (Chapter 807 of the Acts of 1975);

- an extended summary of the testimony at the seven hearings held across the state by the Commission to solicit local reactions to the Office of State Planning's report, City and Town Centers: A Program for Growth;

- a full description of the components of a proposed new "Growth Policy Implementation Act," to be drafted over the coming months, with widespread public input and consultation, for filing in the 1979 legislative session; and

- a detailed outline of the Commission's actions on each of the thirty-six "action recommendations" contained in the Office of State Planning's City and Town Centers report.

The Commission is committed to the implementation of the policy consensus which has emerged from the Growth Policy process. We will continue to work with the citizens of the Commonwealth toward that end.

SUMMARY OF COMMISSION FINDINGS AND RECOMMENDATIONS

FINDINGS

The Commission finds that the "Massachusetts Growth Policy Development Act" (Chapter 807 of the Acts of 1975) has effectively involved the Commonwealth's cities, towns, regional planning commissions, and state agencies in the formulation of a set of comprehensive policies to guide future growth and development patterns in Massachusetts.

Approximately 95% of the cities and towns and every regional planning commission in the Commonwealth responded to the state's invitation to identify their local and regional growth management problems and priorities. The extraordinary size of this response illustrates that growth and development issues are real and immediate concerns to the citizens of Massachusetts, whether they live in urban, suburban or rural communities. The response also indicates that irrespective of the often repeated conclusion that citizens are disillusioned with government, there is a willingness at the local level to devote long hours of deliberation and work in defining local priorities and in communicating these priorities to state government.

Equally important to the success of the Growth Policy process, was the effort by the Office of State Planning (OSP) to analyze the three hundred and one local and thirteen regional growth policy statements, to articulate the points of policy consensus among the respondents, and to identify specific actions necessary for the achievement of these policy goals. OSP's efforts culminated in the publication of City and Town Centers: A Program for Growth, the conclusions of which were endorsed by virtually all of the participants at the Commission's public hearings.

These hearings were convened by the Commission throughout the state to gauge the consistency of the OSP report with the perceptions of the local growth policy committees. The hearings elicited enthusiastic support and participation. Oral and written testimony was received from nearly half of the four hundred participants who attended the hearings. The local comments were uniformly well-informed and articulate.

The OSP report was consistently praised for accurately identifying and reporting local sentiments on important growth and development issues. While participants at the hearings expressed concern about the specifics of several of the "action recommendations" in the OSP report, the overall response was overwhelmingly positive. Many speakers referred to the benefits which had already accrued from the communication and dialogue among a variety of local interests which participated in the Local Growth Policy Committees. Participants also felt that state government had already begun to respond to some of the suggestions made in their Local Growth Policy Statements. Finally, there emerged from the hearings a forceful call for continued local involvement in refining the policy proposals and several of the specific recommendations in the OSP report.

Having reviewed the local and regional growth policy statements, the Office of State Planning report and the testimony from our hearings, the Commission finds that a clear consensus has begun to emerge among our cities, suburbs, and small towns about a number of important growth related issues. In brief, the key elements of this consensus are:

Local Self-Determination: Land use and growth management decisions should remain primarily a local prerogative. State government should recognize and respect the unique differences in community character. Furthermore, state government should increase efforts to help strengthen local planning capabilities.

Center Revitalization: All levels of government should work together to guide growth and investment into city and town centers, and to promote community revitalization and building rehabilitation.

Economic Development: In order to ensure adequate job opportunities and to increase the level of economic activity in Massachusetts, state government must continue to work toward reducing the cost of doing business in the Commonwealth and in general toward improving the climate for business.

Environmental Protection: The accommodation of growth need not mean the sacrifice of environmental quality. Particular vigilance should be directed toward the preservation of the Commonwealth's dwindling supply of agricultural land, toward the effective management of our coastal resources, and toward the protection of other sensitive environmental areas. Local officials should be encouraged to consider natural constraints in developing local growth management strategies (and assisted in so doing).

Property Tax Relief: Meeting the Commonwealth's developmental objectives, as well as other social and economic goals, will depend upon relieving our over-dependence on the property tax. Any new state program or change in the administration of existing programs should be designed to avoid any additional burden on the local property tax; and the impact of proposed state actions on local finances should be carefully evaluated. No state mandated programs for local government, whether legislative or administrative, should be enacted without adequate funding. Furthermore, as increased revenues become available to state government, continued priority should be given to measures which will relieve local property tax burdens. The objective of relieving the local property tax burden must be made a top priority for state government.

The Commission also finds that, just as the development of a state growth strategy responsive to local and regional needs could best be achieved with the active participation of the localities and regions themselves, the implementation of such a strategy must also be based upon the continued participation and support of the Commonwealth's 351 cities and towns.

We find, further, that the purposeful, coordinated investment of state and federal funds is one of the most effective tools available to state government for guiding future growth and development.

Finally, the Commission finds that a comprehensive set of growth policies for the Commonwealth must simultaneously address the need to revitalize the centers of our cities and towns, to reduce the sprawling and exclusionary patterns of suburban development, and to preserve and enhance our agricultural lands and rural economic development opportunities.

RECOMMENDATIONS

The Commission's recommendations, outlined in much greater detail in the full report, illustrate our commitment to respond to the expectations of the thousands of Massachusetts citizens who participated in the Growth Policy process.

During the 1977 session, the Massachusetts Legislature enacted six major pieces of legislation relating to the recommendations in the OSP report. These are:

- Ch. 561: An Act Amending the Massachusetts Housing Rehabilitation and Neighborhood Preservation Program (OSP Recomm. #4)
- Ch. 996: An Act Providing for Elderly and Handicapped Housing (OSP Recomm. #4)
- Ch. 804: An Act Requiring Insurers to Pay Delinquent Taxes Prior to Fire Claims (OSP Recomm. #7)
- Ch. 939: An Act Further Defining the Requirements of Eligible Businesses under the Urban Job Incentive Program (OSP Recomm. #12)
- Ch. 816: An Act Creating a Massachusetts Capital Resource Company Funded by Insurance Companies (OSP Recomm. #16)
- Ch. 780: An Act Providing for State Purchase of Agricultural Preservation Restrictions (OSP Recomm. #17)

The Commission has identified fourteen specific bills, directly related to the OSP proposals, which are currently pending before the General Court, and we are presently working with various legislators to help secure the passage of these bills. These bills are:

- H. 5737: An Act to Prohibit the Arbitrary Denial of Residential Mortgage Loans on the Basis of the Location of the Property to be Mortgaged and to Encourage the Establishment of Review Boards (OSP Recomm. #6)

List of bills currently pending before the General Court, endorsed by the Commission (continued):

- H. 5639: An Act Requiring Insurance Companies to Furnish Fire Officials with Information Relating to Losses (OSP Recomm. #7)
- H. 5640: An Act Requiring Fire Insurance Companies to Contribute to Certain Costs for Fire Protection (OSP Recomm. #7)
- H. 5641: An Act Making Certain Changes in the Standard Form of Fire Insurance Policies (OSP Recomm. #7)
- H. 5643: An Act Making Certain Changes in the Standard Form of Fire Insurance Policies (OSP Recomm. #7)
- H. 5645: An Act Making Statements in Application of Bylaws (OSP Recomm. #7)
- H. 6093: An Act to Assist Urban Revitalization Efforts through the Urban Job Incentive Program (OSP Recomm. #13)
- S. 1546B: An Act to Encourage Financing for Downtown Revitalization Projects through the Massachusetts Industrial Mortgage Insurance Agency (OSP Recomm. #14)
- H. 5675: An Act Relating to Industrial Revenue Financing (OSP Recomm. #14)
- H. 5674: An Act Establishing the Massachusetts Technology Development Corporation (OSP Recomm. #16)
- H. 5665: An Act Establishing the Massachusetts Industrial Finance Agency (OSP Recomm. #16)
- H. 5681: An Act Establishing the Community Economic Development Assistance Corporation (OSP Recomm. #16)
- S. 1420: An Act Clarifying the Duties of the Commissioner of Environmental Management Relative to Scenic and Recreational Rivers and Streams in the Commonwealth (OSP Recomm. #20)
- H. 5669: An Act Providing for Financial Assistance to Cities, Towns and Districts of the Commonwealth to Provide Safe Drinking Water (OSP Recomm. #25)

In addition, the Commission is filing eight new pieces of legislation which respond to other specific OSP recommendations, or to concerns raised at the Commission's hearings. These bills are:

An Act Amending the Procedure for the Collection of Local Taxes (OSP Recomm. #8)

An Act Amending the Law Creating Urban Redevelopment Corporations to Stimulate the Rehabilitation of Existing Buildings in Blighted Areas (OSP Recomm. #11)

An Act Amending the Law Relating to Urban Redevelopment Corporations (OSP Recomm. #11)

An Act Providing for a Concurrent Review Procedure for Local Permits (OSP Recomm. #15, as revised)

An Act for the Establishment of a Standard Set of Wetlands Maps for the Commonwealth (OSP Recomm. #19)

An Act Providing for Flexibility in the Design Standards Used for the Construction, Reconstruction, and Improvement of Highways Performed with State Highway Assistance Funds (OSP Recomm. #30)

An Act Amending the Zoning Act (OSP Recomm. #31)

An Act Requiring an Estimate of State-Mandated Costs to Local Government (OSP Recomm. # 34)

Furthermore, the Commission is submitting a number of administrative recommendations to the Governor in order to increase the responsiveness of the executive branch of state government to issues raised during the Growth Policy process. Our singlemost important recommendation to the Governor is that the consensus views and policies (see page 2) emerging from this process should serve as an ongoing and over-arching force in state administrative decision-making. Beyond these broader recommendations, a number of specific agency actions were identified which would substantially and effectively improve the administration of state government. Therefore, we recommend that the Governor:

1. Direct the Building Code Commission to expeditiously adopt provisions facilitating the rehabilitation of older buildings.
2. Direct the Secretary of Environmental Affairs to continue to work toward a more integrated approach to water supply and water quality programs.
3. Direct the Division of Water Pollution Control to administer state and federal wastewater programs in a manner more sensitive to and consistent with local growth policies.

Administrative recommendations to the Governor (continued):

4. Direct the Secretary of Communities and Development to utilize Chapter 705 funds for scattered-site public housing.
5. Direct the Office of Coastal Zone Management (CZM), within the Executive Office of Environmental Affairs, to continue to work with communities to ensure consistency between CZM policies and regulations and local growth policies and development controls.
6. Direct the Commissioner of Banks to continue and expand efforts to ensure access to traditional lending markets to all.
7. Direct the Commissioner of Insurance to adopt administrative procedures to assure that properties are not over-insured.
8. Direct the Department of Manpower Development, working through the Manpower Services Council, to promote and coordinate programs utilizing CETA funds for the employment and training of individuals in community revitalization activities.
9. Direct the Bureau of Solid Waste to work with communities to develop the best solution to their solid waste problems.

Finally, we are proposing the continuation of citizen involvement in the formulation of a new "Growth Policy Implementation Act" which would help to tie-together the growth policy activities of the last two years, and to give localities a significant role in implementing the policy consensus which has emerged from the process.

The drafting and enactment of a new Growth Policy Implementation Act is designed both to implement the policy consensus which has been identified in the OSP report, and to respond to the major concerns which were raised at the Commission's hearings. The objectives of the proposed legislation may be summarized briefly as follows:

- A. To involve communities directly in guaranteeing that the growth policies formulated through Chapter 807 will be carried out.
- B. To increase the capacity of local and state government to guide growth and development.
- C. To make state and federal investment programs more responsive to local needs and concerns.

In response to these objectives, the Commission recommends that a wide variety of citizens, representatives of interest groups, and members of Local Growth Policy Committees be involved in drafting a legislative proposal which will hold the state and federal agencies directly accountable for the responsiveness of their decisions to the growth policy consensus and to the local priorities on state and federal investments. The Commission feels that this approach is consistent with both the recommendations in the OSP report and the local responses voiced at our hearings. We are proposing a next logical step to the "bottom-up" policy formulation process which the Commonwealth has just completed under Chapter 807: a "bottom-up" policy implementation process.

In short, the proposed Growth Policy Implementation Act is predicated upon the assumption that since Chapter 807 involved communities in forging a policy consensus which emphasizes the targeting of state and federal investment programs to guide the state's future growth and development, probably the best way to ensure that this policy consensus is implemented is to give localities and regions a larger role in setting state budgetary and investment priorities and in guiding the allocation of federal aid.

The Commission recommends that this new Growth Policy Implementation Act begin with a preamble which spells out clearly a set of policy statements which, taken together, constitute the policy consensus which has been established as a result of the original Growth Policy Development Act.

The legislation would then create a new voluntary intergovernmental process for planning and directing future growth and development. The Commission recommends that the four elements summarized below be carefully considered by the participants in drafting a new "Growth Policy Implementation Act."

1. The state should enable communities to reconstitute their Local Growth Policy Committees formally. The legislation might enable these committees to prepare a Local Growth Management Program indicating the desired level and location of growth within the community over a specified number of years. (In some cases, for instance, communities might be enabled to specify directly the maximum number of building permits to be issued each year.) Based upon this Local Growth Management Program, a community should be entitled to prepare and submit a priority list to guide state and federal investments in the community. Both the Local Growth Management Program and the investment priorities should be approved by town meeting or city council.

2. The second element of the proposed legislation might be to require regional planning agencies to work with communities in the development of their local growth management programs and to review their consistency with regional policies. The regional planning agencies would also be required to prepare summaries of the local priorities for state and federal investment to be submitted to various state agencies and to the legislature.

3. The legislation could then require the executive and legislative branches to make state investment decisions (and allocations of federal aid) consistent with local and regional investment priorities.

4. Finally, the legislation could provide localities and regional agencies with significant state grants to enhance local planning and management capabilities and to provide professional staff support to the Local Growth Policy Committees in the preparation of growth management programs and investment priorities. The incentives to local participation would be not only the availability of planning assistance money, but also the opportunity to influence state investment priorities, the possibility of establishing local growth rates, and the packaging of state grant programs for certain locally agreed upon projects.

This proposal is the "centerpiece" of the Commission's recommendations and we hope that the citizens of the Commonwealth will accept again our invitation, and participate in drafting this new piece of legislation.

ONGOING COMMISSION ACTIVITIES

Massachusetts is the first state in the nation to embark upon and complete such an open and comprehensive participatory process to establish policies for guiding the state's future growth and development. The Commission believes that these activities have already shown tangible, substantive results in the form of both legislation and changes in the administrative activities of various state agencies. A clear policy consensus has begun to emerge and the Commission intends to continue its consultation with localities to refine and implement these policies.

In short, the progress towards the establishment of an integrated set of growth policies for the Commonwealth of Massachusetts is well underway. In this context, the continuing activities of the Commission have two primary objectives: (1) to maintain the momentum established during the process of developing the growth policy consensus and to direct it toward the refinement and implementation of that consensus; and (2) to expand the consensus to difficult issues which remain unresolved.

In order to accomplish these objectives, the Commission has developed the following work program for the remainder of 1978:

The Land Use Subcommittee, whose deliberations so successfully led to the formulation of the Growth Policy Development Act, will be reconvened and renamed the "Implementation Subcommittee." Its primary task will be aimed at refining and drafting a "Growth Policy Implementation Act," containing elements such as those outlined above.

The Food Policy and Agriculture Subcommittee of the Commission will be broadened to deal with the whole range of rural development issues, and be retitled the "Rural Growth Policy Subcommittee." Its mandate will be to generate a series of policy and action recommendations regarding rural and small town development issues in the Commonwealth.

A new Housing Subcommittee will be formed to address the issues of housing "short fall" (projected in the OSP report), regional housing needs, and specifically, the housing problems of low-and-moderate-income and minority families.

A new Regionalism Subcommittee will be convened to address the issues of county government reorganization and of the appropriate future role for existing regional planning commissions.

In addition to the subcommittee activities, we also propose to continue to monitor the progress of the legislation currently filed or endorsed by the Commission. When the 1978 session of the Legislature adjourns, the Commission will prepare a report for circulation to all parties involved in the Growth Policy process which analyzes the Legislature's actions, on these and other growth related bills.

CONCLUSION

The Commission hopes that these actions will foster the continuation of the local, regional and state cooperation that the Growth Policy process has initiated. We strongly believe that Massachusetts has taken the first step toward embarking upon a new era of intergovernmental collaboration which has the potential of significantly influencing the future growth and development of the Commonwealth. The task however is not complete, and that is why this document is only an interim report. The Commission has not proposed a single, omnibus piece of legislation, nor a complex legislative package which purports to unilaterally solve all of the growth and development problems of Massachusetts' 351 cities and towns.

We believe that the Growth Policy process has made significant progress towards identifying and proposing solutions to many of the future growth and development problems that the Commonwealth will encounter. We believe that the recommendations, outlined in the full Commission report, will result in significant new action at both the state and local levels in response to many of these issues. We have tried not to make promises which will raise unrealistic expectations and which will inevitably fall short of their mark. Instead, the major promise that the Commission makes is to continue to respond to the voices of the Commonwealth's diverse communities. We will continue to try to learn from the collective experiences of the state's localities and to convey the communities' messages to the state legislature and to the administration.

We hope, in turn, that communities will continue to learn from each other by maintaining the dialogue that has begun and by continuing to examine and to recommend revisions in the state's existing programs. The Commission believes that only through the collective sharing of experiences, and through the continuous re-examination of locally generated growth policies can this state move toward the realization of more constructive growth and development patterns and toward an improved quality of life for all of its citizens.

